

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CESAR RAMIREZ,

Plaintiff,

v.

C/O NALLEY and UNKNOWN PARTIES,

Defendants.

Case No. 13-cv-656-JPG

**MEMORANDUM AND ORDER**

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 30) of Magistrate Judge Philip M. Frazier recommending that the Court grant defendant Nick Nalley’s motion for summary judgment based on failure to exhaust administrative remedies (Doc. 23) and *sua sponte* dismiss the unidentified party defendants for lack of service of process.

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the Report. The Court has reviewed the entire file and finds that the Report is not clearly erroneous. Accordingly, the Court hereby:

- **ADOPTS** the Report in its entirety (Doc. 30);
- **GRANTS** Nalley’s motion for summary judgment (Doc. 23);
- **DISMISSES** this case without prejudice; and
- **DIRECTS** the Clerk of Court to enter judgment accordingly.

**IT IS SO ORDERED.**

**DATED: February 26, 2014**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**